

MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Regular Meeting
Monday, October 5, 2009
Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin (7:48 p.m.), R. Hall, K. Holt,
P. Kochenburger, P. Plante, B. Ryan
Members absent: B. Pociask
Alternates present: M. Beal, G. Lewis (7:02 p.m.), L. Lombard
Staff present: G. Meitzler (Wetlands Agent)

Chairman Favretti called the meeting to order at 7:00 p.m. Alternate Beal was appointed to act in Pociask's absence and Lewis was appointed to act until Goodwin arrived.

Minutes:

9-8-09 - Plante MOVED, Ryan seconded, to approve the 9-8-09 minutes as written. MOTION PASSED with all in favor except Hall who disqualified himself.

9-15-09 Field Trip - Ryan MOVED, Holt seconded, to approve the 9-15-09 field trip meeting minutes as written. MOTION PASSED with Ryan, Holt, Gardner, Favretti and Beal in favor and all others disqualified.

Communications:

The 9-16-09 Conservation Commission Draft Minutes and 10-1-09 Wetlands Agent's Monthly Business report were noted.

New Business:

W1440- Chew- Thornbush Road- House Addition & Shed

Holt MOVED, Ryan seconded, to receive the application submitted by Michael R. Chew (IWA file #1440) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for the construction of a 15' x 15' addition to an existing house and construction of a 15' x 20' shed on property located at 16 Thornbush Road on property owned by the applicant, as shown on a map dated June 22, 2006, revised September 28, 2009 and as described in other application submissions, and to refer the application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

W1441- Kleinfelder-7 Storrs Road- Soil Testing

Holt MOVED, Ryan seconded, to receive the application submitted by John Liddon Kleinfelder (IWA file #1441) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for delineation investigation and wetland surface water/sediment sampling on property located at 7 Storrs Road on property owned by Eugene S. Mittelman, as shown on a map dated September 18, 2009 and as described in other application submissions, and to refer the application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

W1439- Kovarovics- Daleville Road

Holt MOVED, Gardner seconded, to receive the application submitted by Michael and Kim Kovarovics (IWA file #1439) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for relocation of a driveway located on Daleville Road, near SNET Pole # 3015, on property owned by the applicants, as shown on a map dated December 20, 2007, revised September 19, 2009 and as described in other application submissions, and to refer the application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

Public Hearing:

W1438- Beall & Higgins- Wormwood Hill Road-Single Family House in Buffer

Chairman Favretti opened the Public Hearing at 7:15 p.m. Members present were Favretti, Gardner,

Hall, Holt,

Kochenburger, Plante, Ryan, and alternates Beal, Lombard and Lewis. Beal and Lewis were appointed to act. Grant Meitzler, Wetlands Agent, read the legal notice as it appeared in the Chronicle on 9/22/09 and 9/30/09. Meitzler referenced the following communications that have been received and distributed to the Agency: a 9-16-09 copy of the Conservation Commission minutes; a 9-30-09 memo from G. Meitzler, Wetlands Agent; and a 9-30-09 memo from Windham Water Works.

Representing the applicant was Attorney Antoinette Webster, of Kahan, Kerensky & Capossela Law Firm, and Norm Thibeault, of Killingly Engineering. Thibeault's plan depicted the limited activity within the 150' wetland setback on a map dated 5-26-09. He noted there are no changes to the plans that were previously submitted and approved by this Agency, adding that they are here not because they feel there is any impact, but because of a clerical error and the applicant felt that in the best interest of the public they should hold a public hearing. Thibeault reviewed the statutes that define significant impact and his determination that there are none on this site and reviewed the plans in detail. Thibeault read into the record and submitted for the file a 9-8-09 report from John Ianni, Professional Soil Scientist, as well as a Septic System Nitrogen Renovation Analysis.

Plante asked Thibeault what the sight line distances are from the driveway to the east and west. Holt questioned if the applicant had considered a conservation easement on the property abutting the existing conservation easement of the Green Estate.

Representing the abutter was Attorney Matthew Willis, of Branse, Willis and Knapp Law Firm, and Donald Aubrey, of Towne Engineering. Aubrey distributed a 10-1-09 letter and a marked up set of plans. Aubrey discussed at length the water run-off problem the abutters have and stated that it could worsen with the effects of this proposal. He requested at a minimum the abutters install extra erosion and sediment control measures to protect the neighboring property and wetlands.

Holt noted that Aubrey suggested a conservation easement in the same location she questioned.

Thibeault disagreed with Aubrey's statements that there are any significant drainage or water run-off issues. He and Attorney Webster consulted with the applicant and had no objection to installing extra erosion and sediment control hay bales on the upward side of construction, and extra crushed stone at the footing drain outlet, but they were not open to a conservation easement as proposed by Aubrey. Webster stated that the applicant's design was to minimize the effects to the natural character of the lot and did not feel that a conservation easement was necessary or appropriate.

Penn Handwerker, an abutter, asked if the applicant's engineer is wrong in his calculations, who will be responsible for the expenses to correct possible water damage on his property? He requested, at a minimum, treatments of the land to minimize the impact the drainage may have on his property.

Hall questioned Handwerker if there were problems on his property during this summer's heavy rains.

Attorney Webster summarized the applicant's proposal and the additional measures they are willing to include for erosion and sediment control.

Meitzler stated that he would like to revisit the site and investigate some of the claims made by Aubrey and report back to the Agency at a Special Meeting on 10/19/09.

Chairman Favretti noted no further comments or questions from the audience or the Agency, and declared the public hearing be continued to a Special Meeting on 10/19/09..

Field Trip: A field trip date was set for 10/15/09 at 1:30 p.m.

Reports of Officers and Committees: None noted.

Other Communications and Bills: Noted.

Adjournment: The meeting was adjourned at 8:35 p.m.

Respectfully submitted,
Katherine K. Holt, Secretary